



**TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES**



History of the Tennessee Sex Offender Registry

PURPOSE: The purpose of this portion of the Standard Operating Procedures is to explain the history of the Tennessee Bureau of Investigation's Sexual Offender Registry from its origin to the present.

The TBI's Sexual Offender Registry (SOR) was implemented in January of 1995 as mandated by Tennessee Code Annotated (TCA) §40-39-101 *et. seq.* The following persons were originally required to comply with the registration requirements of the "Sexual Offender Registration and Monitoring Act" and the acts succeeding it:

1. An offender who has been convicted of committing a sexual offense on or after January 1, 1995; or
2. If the offender's conviction occurred prior to January 1, 1995, the person who
 - a. Remains under or is placed on probation, parole, or any other alternative to incarceration on or after January 1, 1995;
 - b. Is discharged from probation, parole, or any other alternative to incarceration on or after January 1, 1995; or
 - c. Is discharged from incarceration without supervision on or after January 1, 1995.

Under the original sex offender registry law in Tennessee, at least once every ninety (90) days following receipt of the initial TBI Registration/ Monitoring form, the TBI sent by certified mail (return receipt requested) a Verification/Monitoring form to the offender's last reported address. The offender was required to complete and return the Verification/Monitoring form within ten (10) days of the date of which the certified mail was signed. Violations of this statute were a Class A misdemeanor. The TBI was charged with compiling non-compliance reports to District Attorney Offices for prosecutions.

For all sexual offenses committed on or after July 1, 1997, sex offender registration information was considered public information. In order to provide access to this public information, TBI established a toll free hotline (1-888-837-4170), which allows the public to inquire whether an individual is a registered sexual offender. TBI has also displayed the offender information on the TBI Internet Home Page located at www.tbi.tn.gov , since January 1, 1998.

Beginning August 1, 2004, Tennessee's Sex Offender Registry Act changed dramatically. Under the new "Tennessee Sexual Offender and Violent Sexual Offender Registration,



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Verification, and Tracking Act of 2004” as mandated by Tennessee Code Annotated (TCA) §40-39-201 *et. seq.* Sex offenders in Tennessee had thirty (30) days to appear at their local Sheriff’s Office, Chief of Police Office, or Probation/Parole Office to register in person. Sex Offenders were required to pay an annual fee, now in the amount of One Hundred Fifty Dollars (\$150.00), to the registering agency, with \$100.00 being retained by the registering agency and \$50.00 being forwarded to the TBI. These fees were implemented to defray the costs of implementing and maintaining the monitoring of sex offenders. Sex offenders were divided into two categories: sexual and violent, with sexual offenders being required to report annually while violent sexual offenders were required to report quarterly. Sex offenders were also required to report changes in address, job, and other pertinent information. Registering agencies send originals of documents to TBI while maintaining copies of these documents for themselves and the offenders.

Using information received pursuant to this act, TBI established and maintains a centralized record system of sexual offender registration and verification information, known as the SOR. Because local law enforcement now sees offenders in person, they are better able to monitor and track sex offenders across this state. TBI assists law enforcement by giving copies of documents when requested to law enforcement; providing a software program for the registering, monitoring, and verification of information regarding sex offenders; and giving legal advice when requested, among other services. All of these services are provided to assist local law enforcement in the monitoring of sex offenders.

The following is a timeline outlining significant changes occurring in the sex offender law since its inception:

1995

Registry begins. (Legislation passed in 1994).

Offenders mail in monitoring forms to TBI, pay no fee, do not report in person.

Violation is Class A misdemeanor.

TBI composes affidavits detailing noncompliance for District Attorney’s offices which prosecute.

1997

Those offenders who committed their crimes on or after 7/1/1997 will now have certain parts of their information accessible by the public.



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2003

1000' rule is enacted

Effective 7/1/2003

2004

Registry law changes comprehensively allowing local law enforcement, along with probation & parole, to register sex offenders.

\$60 fee is charged to the offender, which goes totally to registering agency.

Punishment for violation of the Registry goes from an A misdemeanor to an E felony.

Offenders divided into 2 categories: sexual or violent.

Agencies are required to enter information into SOR within 12 hours and send original copies into TBI within 3 days.

Courts no longer decide who is removed from the Registry; TBI does.

Wording of 40-39-211 (1000' rule) is changed making it constitutionally suspect.

Effective 8/1/2004.

2005

Fee increases to \$100 annually.

Time set to establish a primary residence goes from 7 days to 5 days.

Agencies were **not** required to print and photograph each time offender reported.

Wording of 40-39-211 is changed back to the way it was in 2003 so that it is constitutionally sound.

“Parent” was defined.

Effective 8/1/2005.



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2006

Statutory Rape registration changes:

For offenses committed on or after November 1, 1989:

Statutory rape if the defendant has one or more prior convictions for mitigated statutory rape, statutory rape, or aggravated statutory rape.

For offenses committed prior to November 1, 1989:

Statutory rape only if the facts satisfy the definition of aggravated statutory rape.

An offender who plea bargains down an aggravated stat rape or stat rape by an authority figure to stat rape is NOT required to register unless he/she has a prior.

It is TBI's policy that a court cannot order something contrary to what the law requires.

Changed vehicle language to a vehicle "owned" or "used".

Added age of victims, if known, to information gathered.

Added language to set out those who may verify the information contained in the Registry.

Changed language about how fee is paid for quarterly offenders (anytime throughout the year instead of March).

Language is added to the 1000 feet rule to prohibit offenders from seeking sexual offender treatment within 1000' of the prohibited places AND public park, playground, recreation center or public athletic field are added to the places prohibited.

Legislature added the "physical presence" language to the statute stating that eligible offenders who "establish a physical presence" in TN are required to register.

The definition of "parent" is changed to state that stepparents could not live with stepchildren if their victim was under the age of 13.



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“Exploitation of a minor by electronic means under 39-13-529” was added as a sexual offense, but only if the victim was under the age of 13.

Offenders who are on the Registry for stat rape, but wouldn’t be required to register under the new law, may apply immediately for termination and skip the 10 year requirement.

“Aggravated stat rape” was added as a sexual offense and “stat rape by an authority figure” was added as a violent offense.

Stat rape was divided into 3 categories, and the offense of stat rape by an authority figure was created.

Effective 7/1/2006.

2007

Did away with time limitations (the former 1995 date.) All eligible offenders, no matter the date of conviction, are required to register.

All offenders will be posted on the internet.

Stated that persons who are required to register in another jurisdiction are automatically required to register here (unless they were juveniles when the offense occurred.) Applies to those offenders who don’t already fit our criteria for registration.

Incest is switched from sexual to violent, but ONLY for offenses that occur on or after 5/30/2007.

Judicial diversions that were granted on or after 7/1/2007 are now required to register. If a person getting judicial diversion successfully completes that diversionary period and the charge is dismissed, that person may be deleted from the Registry immediately.

Guilty pleas or findings of guilt by a judge or jury that occur on or after 7/1/2007 require registration prior to sentencing.

Registered sex offenders who are misdemeanants must provide a DNA sample.

“Material change in employment or vocational status” is defined.



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Effective 7/1/2007 (except that offenders who were newly required to register had until 8/1/2007 to become registered.)

2008

Language is changed to allow for more verification before removal of an offender from the Registry due to death.

All registered sex offenders must provide a DNA sample (no matter date of conviction.)

“Material change in employment or vocational status” definition is changed from 7 days to 5 days.

Fee increases to \$150 with \$50 to go to TBI.

“Volunteering” added to definition of “Employed or practices a vocation.”

“Month” was added as a definition.

“Report” and “register” were differentiated in the definitions.

The words “report or register” and “physical presence” were added in the statute where applicable.

“Kidnapping of a minor by someone other than the parent” was added to sexual offenses (previously omitted by mistake).

“Solicitation of a minor” was changed so that its classification can either be sexual or violent depending on how the crime is graded. Offenders convicted of this crime need to be re-evaluated to determine whether they were convicted of solicitation of a minor that is a misdemeanor, Class D or Class E felony. This re-classification includes out of state charges that equate to solicitation of a minor.

Certain stat rape language was cleaned up in the definitions.

“Aggravated rape of a child” was added to violent offenses.

“Criminal responsibility” was added because it was previously omitted.



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“Catchall” provision added to state that it is a violation not to disclose any of the required information.

Added provision that upon completing probation/parole, offender must report to new registering agency within 48 hours.

Homeless must register monthly.

Registered sex offenders must have a dl or photo id card with a code that lets law enforcement know they are a sex offender.

Offenders must give email addresses, instant messaging, chat, or other internet communication names. (TBI can send this to internet companies for comparison with their lists of subscribers.)

Agencies must list all of offenders’ aliases on Registry.

Number of victims is added to information gathered by agencies.

Offenders in nursing homes, assisted living centers,...must report to registering agency within 48 hours of being released from these facilities.

Effective 1/1/2009 public can see a detailed physical description of the offender; the offender’s criminal history; and the text of the law defining the offender’s offense.

An offender must be on the Registry for five years before he/she is eligible to ask for removal and an offender must wait five years to reapply if he/she is turned down for termination due to substantial noncompliance. **Those offenders who applied for termination before 7/1/2008 will not have to wait the 5 years; however, anyone who applies on or after 7/1/2008 will be required to have been on the Registry for at least 5 years. An offender who receives a letter of denial due to substantial noncompliance dated on or after 7/1/2008 will have to wait 5 years from the date of the letter to apply again.**

“Prior conviction” for removal is re-defined.

“Failure to register or report” is added as a violation.

Clarifies that courts cannot remove an offender from the Registry, except through legitimate expungement.



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Expanded the prohibition against contact with victims in 40-39-211.

Sets out restrictions for ALL offenders regarding being around schools.

Sets out new law requiring offenders, whose crimes are against minors, from impersonating certain fictional and nonfictional characters; from engaging in employment where they will have unsupervised contact with minors; and from having jobs like driving an ice cream truck.

The phrase “provided, that the victim of the offense is less than 13 years of age” was removed from the crime “exploitation of a minor by electronic means under 39-13-529” meaning that anyone convicted of this crime on or after 7/1/2008 must register—no matter the age of their victim.

Language was added to make it clear that a violation of 40-39-211 is a Class E felony.

Effective 7/1/2008 except for the provision that made new detailed information public and the provision that allowed the public to sign up for email notification. These two provisions become effective 1/1/2009.

2009

40-39-211(d) was altered to take away a sex offender’s ability to make a delivery at a school; contact with schools was altered; parks, recreation centers were added.

TBI may digitize files.

2010

Sex offenders with children in schools must get written permission to be on school property unless it is an emergency situation.

Sex offenders must notify school if they are picking up or dropping off their children.

Procedure established to potentially revoke the license of one practicing medicine if that person is required to register as a sex offender.



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Aggravated prostitution moved from a “sexual” offense to a “violent” offense.

“Trafficking for sexual servitude” added as a registerable violent sex offense.

Registering agencies must collect passport and immigration documents as well as professional licensing information.

The address of the sex offender’s employer and the license plate # and description of offender’s vehicles added to the public website.

No more than two sex offenders may live together (with few exceptions.)

Effective 7/1/2010.

2011

Sex offenders living in halfway houses or other alternatives to incarceration must register with law enforcement where the alternative living accommodation is located. **(Effective 5/5/2011)**

Public library directors may restrict sex offenders’ access to public libraries. **(Effective 5/16/2011)**

Incarcerated sex offenders must register. **(Effective 5/23/2011, but gave incarcerating facilities until August 1, 2011 to get all currently incarcerated offenders registered.)**

Law on number of sex offenders that are allowed to live together was altered so that it only applies to residential areas. **(Effective 5/27/2011)**

Certain juvenile sex offenders must begin to register on a private sex offender registry. **(Effective 7/1/2011)**

Sex offenders engaging in international travel outside the U.S. must inform registering agencies. **(Effective 7/1/2011)**



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2012

Promoting prostitution was added to the Registry. **(Effective 7/1/2012)**

Personal property of sex offenders can be seized for certain violations of the Registry. **(Effective 7/1/2012)**

Judge may order statutory rape offenders to register as sex offenders. **(Effective 7/1/2012)**

A new human trafficking offense was created and added to the sex offender registry. **(Effective 7/1/2012)**

The punishment for stalking may be increased if the defendant is a registered sex offender. **(Effective 7/1/2012)**

2013

Renamed the human trafficking offense to Trafficking for a Commercial Sex Act under 39-13-309. (Violent offense)

2014

Patronizing Prostitution **only if the victim was a minor** was added to the list of “sexual” offenses. **(Effective 7/1/2014)**

Observation Without Consent upon a third or subsequent conviction is added to “sexual” offenses. **(Effective 7/1/2014)**

Observation without Consent where the victim is under 13 (class E felony) was added to “sexual” offenses and will require lifetime registration. **(Effective 7/1/2014)**

Unlawful Photographing where victim is under 13 (class D or E felony) and/or offender disseminates the photo was added to the “sexual” offenses **(Effective 7/1/2014)**



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Pre-1989 attempts are listed under violent offenses. **(Effective 7/1/2014)**

All offenders (except certain stat rape offenders) must remain on the Registry for at least five years before applying for termination. **(Effective 7/1/2014)**

Law allows a city or county to establish a community notification system regarding sex offenders. They may also charge an additional \$50 administrative fee to defray the cost of the notification system. **(Effective 7/1/2014)**

Added “offender against children” to violent, sexual, and violent juvenile offender classifications if the victim is under the age of 13. These offenders are required to register for life. **Is considered Retroactive. (Effective 7/1/2014)**

Aggravated Sexual Battery is added to the juvenile registry. **(Effective 7/1/2014)**

40-39-211(a) as to living or working near a school, park, Is applicable to offenders whose victims were adults as well as those whose victims were minors. Must establish his residence or accept employment on or after July 1, 2014 in order to be in violation. **(Effective 7/1/2014)**

2015

Public Chapter 469: Allows offenders who are registered for Aggravated Prostitution to petition the sentencing court for termination of registration requirements based on the offender's status as a victim of human trafficking, a sexual offense or domestic abuse. If the court grants the petition, the offender shall be removed from the sex offender registry.

Public Chapter 284: Adds Sexual Contact with Inmates to the definition of Sexual Offenses and allows offenders registered for this conviction to apply for termination after three years.

Public Chapter 316: Clarifies that in order to qualify as a Violent Juvenile Sexual Offender, the offender must have been at least 14 but less than 18 years old when the offense was committed.



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Public Chapter 516: Makes it unlawful for registered Sexual Offenders and Violent Sexual Offenders to be "alone with" a minor or minors in a "private area" and makes exceptions for offenders who are parents of minors. Also clarifies that registering agencies can send registration and updates to TBI by electronic means rather than by mail. Also adds "any social media accounts" to required registration information.

2016

Public Chapter 941-Permits a judge to order a person who commits the misdemeanor of unlawful photographing to register as a sex offender.

Public Chapter 767-Prohibits certain sex offenders from living in on-campus housing.

2017

Public Chapter 311-Requires courts to require any person placed on probation on or after 7/1/2017 for an offense that would qualify the person as a child rapist or child sexual predator and who does not have a primary or secondary residence to enroll in a satellite-based monitoring and supervision program for the term of probation.

Public Chapter 249-Expands the definition of "material" relative to sexual exploitation of a child to include any computer image, or computer-generated image, whether made or produced by electronic, mechanical, or other means.